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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,502	12/19/2000	Barry Boone	2043.012US1	4828

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SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER
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BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

NOTIFICATION DATE	DELIVERY MODE
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01/14/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/740,502	BOONE, BARRY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 95-119 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 95-119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. This Final office action is in response to Applicant's amendment filed October 30 2008. Claim 102 has been amended. Claims 95-119 are pending.
2. Applicant's arguments filed October 30, 2008 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 95-105 and 107-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Feedback Forum (eBay.com, November 10, 1999, via web.archive.org), in view of Falk et al (US 2001/0037206), in further view of Fuerst (USPN 6,189,029).

As per claim 95, the Feedback Forum discloses a method, comprising:  
presenting feedback (i.e., the user leaving the comment is asked whether the comment is positive, negative, or neutral, and selects one of these three (3) predefined terms, see "Leave Feedback about an eBay User") using an Internet connection to a first user in response to an online payment transaction between the first user and a second user (i.e., a first user leaving feedback about a second user, via a comment relating to a buy or sell transaction with the second user, pages 1

Art Unit: 3623

and 2) and at the request of the first user (i.e., user decides to leave feedback concerning the transaction, page 1 and 2) and wherein the predefined feedback comments are presented in a feedback forum (i.e., Feedback Forum of eBay.com, page 1); and receiving a selection for feedback from the first user (i.e., the user leaving the comment is asked whether the comment is positive, negative, or neutral, and selects one of these three (3) predefined terms, see "Leave Feedback about an eBay User"), wherein the selection represents feedback that the first user is supplying and that is to be associated with the second user with respect to the online payment transaction (i.e., a user, either a seller or buyer, leaving feedback about a specific transaction, page 1).

The Feedback Forum does not explicitly disclose presenting predefined feedback comments and receiving a selection for one of the predefined feedback comments. Falk et al disclose predefined feedback comments selectable by a customer in response to service received, wherein the predefined feedback comments include answers to questions, including "How was your service?," wherein the customer selects from answers which define the feedback, including "very bad," "not good," "so so," "good," and "awesome!" (figure 8 and ¶¶ 0079-80).

In addition, The Feedback Forum does not explicitly disclose retaining an association of the first user, the online payment transaction, the selection, and the second user. Fuerst discloses assigning each group (or individual) a group identification (column 5, lines 23-25), a survey tool that assigns each question a unique question identification number, QID (column 5, lines 38-40), wherein the

Art Unit: 3623

results, together with the group (or individual) identification, and the QID are stored in table 600 (column 7, lines 46-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include presenting predefined feedback comments and receiving a selection for one of the predefined feedback comments and retaining an association of the first user, the online payment transaction, the selection, and the second user in the Feedback Forum, as seen in Falk et al and Fuerst, respectively, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 96, the Feedback Forum discloses receiving a free-form comment from the first user to be associated with the selection and retained with the association (i.e., positive, neutral, or negative comments from a user, page 1).

As per claim 97, the Feedback Forum does not explicitly disclose removing the free-form comment from the association and prevent the free-form comment from being retained when the free-form comment is determined to be against a policy. Fuerst discloses survey results submitted by users stored in table 600 (column 5, lines 66-67), wherein unnecessary tables may be deleted (column 6, lines 12-13). Both the Feedback Forum and Fuerst are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include removing the

Art Unit: 3623

free-form comment from the association and prevent the free-form comment from being retained when the free-form comment is determined to be against a policy in the Feedback Forum, as seen in Fuerst, thereby being able to effectively control the feedback submitted by users, thus making the Feedback Forum more robust.

As per claim 98, the Feedback Forum discloses keeping a first identifier for the first user, and a second identifier for the second user (i.e., user ID, page 1). The Feedback Forum does not explicitly disclose a transaction number for the online payment transaction, and a feedback identifier for the selection as an entry in a table associated with the second user. Fuerst discloses assigning each group (or individual) a group identification (column 5, lines 23-25), a survey tool that assigns each question a unique question identification number, QID (column 5, lines 38-40), wherein the results, together with the group (or individual) identification, and the QID are stored in table 600 (column 7, lines 46-48). Both the Feedback Forum and Fuerst are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a transaction number for the online payment transaction, and a feedback identifier for the selection as an entry in a table associated with the second user in the Feedback Forum, as seen in Fuerst, thereby being able to efficiently access the results and apply statistical tools or other applications to data mine the tabulated results (see Fuerst, column 2, lines 43-47), thus making the Feedback Forum more robust.

As per claim 99, the Feedback Forum discloses providing the selection to a requestor associated with a different online payment transaction (i.e., requestor is able to see feedback associated with any user ID, page 1).

As per claim 100, the Feedback Forum discloses receiving and retaining with the association a response comment from the second user that the second user supplies in response to the selection made by the first user with respect to the second user (i.e., a user reviewing and responding to comments left by other members about the user, page 2).

As per claim 101, the Feedback Forum discloses presenting the selection within an online auction facility when an identifier associated with the second user is presented (i.e., ID of the user, page 1).

As per claim 102, the Feedback Forum discloses a method, comprising: providing feedback comments (i.e., the user leaving the comment is asked whether the comment is positive, negative, or neutral, and selects one of these three (3) predefined terms, see "Leave Feedback about an eBay User") using an Internet connection to users of an online payment transaction facility (i.e., a first user leaving feedback about a second user, via a comment relating to a buy or sell transaction with the second user, pages 1 and 2) within a feedback forum and at the request of the users (i.e., user decides to leave feedback concerning the transaction in Feedback Forum on eBay.com, page 1 and 2); and retaining selections made from the feedback comments by users, wherein each selection references a specific first user that is a buyer, a specific second user that is a seller (i.e., retaining feedback by

Art Unit: 3623

both the buyer and seller of a transaction, page 1), and a specific transaction associated that the specific first user and the specific second user engaged in with one another (i.e., comments left by the winning high bidder and seller in an auction, page 1).

The Feedback Forum does not explicitly disclose presenting predefined feedback comments and retaining selections made from the predefined feedback comments. Falk et al disclose predefined feedback comments selectable by a customer in response to service received, wherein the predefined feedback comments include answers to questions, including "How was your service?," wherein the customer selects from answers which define the feedback, including "very bad," "not good," "so so," "good," and "awesome!" (figure 8 and ¶¶ 0079-80).

In addition, The Feedback Forum does not explicitly disclose determining when selections can include free-form comments from the users in addition to the predefined feedback comments. Fuerst discloses the creator constructing a survey by entering the text of the questions in accordance with various question type and syntax rules (column 6, lines 30-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include disclose presenting predefined feedback comments and retaining selections made from the predefined feedback comments and determining when selections can include free-form comments from the users in addition to the predefined feedback comments in the Feedback Forum, as seen in Falk et al and Fuerst, respectively, since the claimed invention is merely a



Art Unit: 3623

combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 103, the Feedback Forum discloses supplying a specific selection to a requesting user, wherein a request for the specific selection identifies at least one of a specific one of the users and a specific online payment transaction (i.e., comments left about a specific user ID in relation to the auction transaction, page 1).

As per claim 104, the Feedback Forum does not explicitly disclose deciding not to permit free-form comments when to do so would be against a policy associated with one of the users involved in a specific online payment transaction. Fuerst discloses survey results submitted by users stored in table 600 (column 5, lines 66-67), wherein unnecessary tables may be deleted (column 6, lines 12-13). Both the Feedback Forum and Fuerst are concerned with collecting feedback from users in an on-line environment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include deciding not to permit free-form comments when to do so would be against a policy associated with one of the users involved in the Feedback Forum, as seen in Fuerst, thereby being able to effectively control the feedback submitted by users, thus making the Feedback Forum more robust.

As per claim 105, the Feedback Forum discloses keeping with each selection a response comment from the buyer or the seller involved in the specific transaction, wherein the response comment is supplied in response to a particular selection from

Art Unit: 3623

the predefined feedback comments (i.e., positive, neutral, and/or negative comments left by the winning high bidder and seller in an auction, page 1).

As per claim 107, the Feedback Forum discloses receiving the selections from menu options selected by the users (i.e., an indication of whether your comment is positive, neutral, or negative, via a menu selection, page 1) .

Claims 108-113 are rejected based upon the same rationale as the rejections of claims 95-101, since they are the computer-readable medium claims corresponding to the method claims.

Claims 114-118 are rejected based upon the same rationale as the rejections of claims 95-101, since they are the system claims corresponding to the method claims.

5. Claims 106 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Feedback Forum (eBay.com, November 10, 1999, via web.archive.org), in view of Falk et al (US 2001/0037206), in further view of Fuerst (USPN 6,189,029), in further view of Bayer et al (USPN 6,311,190).

As per claim 106, neither the Feedback Forum, Falk et al, nor Fuerst disclose presenting the selections to requestors in target languages associated with the requestors. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Further, Bayer discloses enabling a voter or other registrant to register with system 10 in their preferred language (column 5, lines 53-58). It would have been obvious

Art Unit: 3623

to one having ordinary skill in the art at the time the invention was made to include presenting the selections to requestors in target languages associated with the requestors in the Feedback Forum, as seen in Bayer, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 119, neither the Feedback Forum, Falk et al, nor Fuerst disclose the server is to present each association in a target language of each particular user of the online transaction facility. Bayer et al discloses conducting surveys over the internet to multiple users in multiple countries in different languages (column 2, lines 9-12 and figure 1). Further, Bayer discloses enabling a voter or other registrant to register with system 10 in their preferred language (column 5, lines 53-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the server is to present each association in a target language of each particular user of the online transaction facility in the Feedback Forum, as seen in Bayer, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

***Response to Arguments***

6. In the Remarks, Applicant argues, with respect to claims 95, 108 and 114, Fuerst is silent on retaining an association of the first user, the online payment transaction, the selection, and the second user. The Examiner respectfully disagrees. Fuerst discloses assigning each group (or individual) a group identification (column 5, lines 23-25), a survey tool that assigns each question a unique question identification number, QID (column 5, lines 38-40), wherein the results, together with the group (or individual) identification, and the QID are stored in table 600 (column 7, lines 46-48). As a result, Fuerst discloses on retaining an association of the first user (i.e., group/individual identification), the online payment transaction (i.e., survey questions and results, including customer feedback on a product, column 2, lines 63-67), the selection (i.e., results of the question), and the second user (i.e., survey questions and results, customer feedback on a product, column 2, lines 63-67).

With respect to claim 102, Applicant argues the Feedback Rating number of the Feedback Forum does not reference a specific second user and a specific transaction. The Examiner respectfully disagrees and submits that the Feedback Forum discloses a specific second user that is a seller (i.e., retaining feedback by both the buyer and seller of a transaction, page 1, wherein the seller must also have a specific member user ID), and a specific transaction associated that the specific first user and the specific second user engaged in with one another (i.e., comments left by the winning high bidder and seller in an auction, page 1, necessarily about the transaction in question).

Lastly, the Examiner disagrees with Applicant's assertion that one having ordinary skill in the art would not have combined Feedback Forum, Falk, and Fuerst in the manner proposed by the Office Action. The Examiner respectfully disagrees and submits that the Feedback Forum, Falk et al and Fuerst are all concerned with obtaining customer feedback (see abstract of Falk et al, and column 2, lines 63-67 of Fuerst) and have been combined according to known methods to yield predictable results.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3623

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/  
Primary Examiner, Art Unit 3623  
January 8, 2009